



Attorney's Docket No.: 2240P015D

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of:

GARY S. CHISHOLM ET AL.

Application No.: 09/049,161

Filing Date: March 26, 1998

For: METHOD AND APPARATUS FOR PRECISE
POSITIONING OF LARGE STRUCTURES

Examiner: Olga Hernandez

Art Group: 3661

1/1/01
Response
5/30/01
H. Hernandez

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO OFFICE ACTION

Sir:

Reconsideration of this Application is respectfully requested. The Office Action of March 21, 2001, sets forth various rejections in light of Wilson et al., U.S. Patent 6,140,957. However, this reference cannot properly be considered prior art to the present application.

It should be remembered that the present application is a divisional application and has the same effective filing date as its parent application: July 8, 1996. The Wilson reference has an earliest effective filing date of March 12, 1998, nearly two years **after** the effective filing date of the present application. By definition then, the Wilson reference was not "filed in the United States before the invention" of the presently claimed system and, therefore, cannot be prior art under 35 USC 102(e) or 103 as recited in the Office Action.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231

on May 21, 2001
Date of Deposit
Patricia A. Balero
Name of Person Mailing Correspondence
[Signature] Signature *5/21/01* Date

For at least the above reasons, the present claims are patentable over the cited reference.

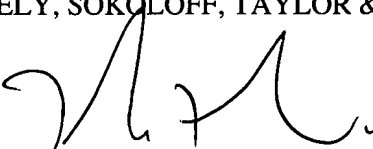
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Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Patent

In re the Application of: Gary S. Chisholm et al.

(inventor(s))

Application No.: 09/049,161Filed: March 26, 1998For: METHOD AND APPARATUS FOR PRECISE POSITIONING OF LARGE STRUCTURES

(title)

ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

SIR: Transmitted herewith is a Response for the above application.

 Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established by a verified statement previously submitted.

 A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 is enclosed.

 No additional fee is required.

 A check in the amount of \$ is attached for presentation of additional claim(s).

 Applicant(s) hereby Petition(s) for an Extension of Time of month(s) pursuant to 37 C.F.R. § 1.136(a).

 A check for \$ is attached for processing fees under 37 C.F.R. § 1.17.

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 X The Commissioner of Patents and Trademarks is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 02-2666 (a duplicate copy of this sheet is enclosed):

 X Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of extra claims.

 X Any extension or petition fees under 37 C.F.R. § 1.17.

Date: 5/21, 2001

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